

Remarks

Claims 1, 2, 4-8, 12-15, 18-21, 23, 24, 27-29, 36, 40 and 44-46 are pending.
Claims 1, 2, 4-8, 12-15, 18-21, 23, 24, 27-29, 36, 40 and 44-46 are rejected.

Claims 1, 2, 4-8, 13-15, 18-21, 23, 24, 27-29, 36, 40 and 44-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,932,914 (LeClair) and Wu et al., "Acoustic radiation force on a small compressible sphere in a focused beam," J. Acoust. Soc. Am. 87 (3), March 1990, pp 997-1003 (Wu). Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over LeClair, Wu and U.S. Pat. No. 6,605,453 (Ozkan).

During the October 2, 2008 telephonic interview, the Examiner indicated that amending claim 1 to include the limitations of claim 12 may put claim 1 into condition for allowance. The Examiner also indicated that he would contact Applicant's Attorney with a decision regarding the allowability of such an amended claim. The Examiner has yet to so contact Applicant's Attorney and attempts to reach the Examiner have been unsuccessful.

Claims 1, 21 and 46 have been amended to substantially include the limitations of claim 12.

With regard to amended claim 1, Ozkan does not teach measuring elasticity of material in contact with the microbubble based on movement of the microbubble. Rather, Ozkan is directed to patterning inorganic and bio-organic substances by action of moving these substances to a patterned electrode. Ozkan, Abstract.

Claims 21 and 46 are patentable for the reasons claim 1 is patentable.

The dependent claims are patentable because they depend from one of the independent claims.

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Applicant's Attorney submits that the claims are in a condition for allowance. Applicant's Attorney respectfully requests a notice to that effect. Applicant's Attorney also invites a telephone conference if the Examiner believes that it will advance the prosecution of this application.

Please charge the \$65.00 extension of time fee to our Deposit Account No. 02-3978. Please also charge any fees or credit any overpayments as a result of the filing of this paper to our Deposit Account No. 02-3978.

Respectfully submitted,
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